

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

2024-cv-09743

Lucio Celli,
Plaintiff,

v.

New York City et al,
Defendants.

FILED
U.S. DISTRICT COURT
2025 MAY 28 PM 5:02
S.D. OF N.Y.W.P.

PLAINTIFF'S MOTION FOR JUDICIAL NOTICE—of Lehrburger's R&R willful ignoring wage theft and pension theft, as it was admitted by Friedman's aide and Cudina said that Livingston/Engelmayer will ensure that will be allowed to get retaliation by ignoring wage & pension theft w/ Lehrburger criminally helping Randi by preventing the evidence and witnesses to be not a part of the

Plaintiff Lucio Celli, pro se, respectfully requests that this Court take judicial notice under Federal Rule of Evidence 201 of the following indisputable facts, each of which bears directly on Defendants' concealment of wage-theft allegations and their retaliatory scheme to suppress Plaintiff's filings because he complained about Senator Schumer and Randi Weingarten:

1. Failure to Cite Key Actors for Wage Theft.

Judge Lehrburger's Report and Recommendation does not mention (a) Friedman's aide, (b) District Attorney BuDeck, or (c) witness Peterson—each of whom is alleged in Plaintiff's filings to have actively participated in or facilitated wage-theft schemes.

2. Engelmayer's Email Admission of Wage Theft.

In an email dated [insert date], Judge Engelmayer acknowledged evidence of wage-theft practices by union and court personnel.

3. Officer Cudina's Admission Regarding Livingston's Scheme.

Officer Cudina has admitted—and Plaintiff has contemporaneous audio recordings confirming—that Chief Judge Livingston orchestrated measures to prevent Plaintiff from obtaining relief precisely because Plaintiff had criticized Senator Schumer and Randi Weingarten.

MEMORANDUM OF LAW

I. Legal Standard

Under Fed. R. Evid. 201(b), a court **must** judicially notice any fact that “(1) is generally known within the Court’s territorial jurisdiction; or (2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.”

II. Each Item Is Properly Noticed

1. **Omission in Lehrburger’s R&R.**

The absence of any reference to Friedman’s aide, DA BuDeck, or Peterson in Judge Lehrburger’s R&R is established by the public docket and the text of the R&R itself—sources beyond dispute.

2. **Engelmayer Email.**

Plaintiff attaches as Exhibit A a true and correct copy of Judge Engelmayer’s email, which is a court record signed by Engelmayer. Its contents are thus indisputable.

3. **Cudina Admission.**

The audio recording of Officer Cudina’s statement (submitted as Exhibit B) is a verifiable, contemporaneous recording; its authenticity is not subject to reasonable dispute.

III. Relevance

These facts demonstrate (a) a pattern of deliberate omission and concealment by Defendants of material wage-theft allegations, and (b) a retaliatory motive—namely, to punish Plaintiff for complaints about Schumer and Randi Weingarten. Judicial notice of these facts is essential to prevent further obfuscation and to ensure a complete record.

RELIEF REQUESTED

For the foregoing reasons, Plaintiff respectfully requests that the Court:

1. **Take judicial notice** of each fact listed above pursuant to Fed. R. Evid. 201;
2. **Incorporate** those facts into the summary of undisputed facts for all purposes in this action; and
3. Grant any further relief the Court deems just and proper.

Dated: May 28, 2025

New York, NY

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'J. V. C.', is written over the 'Respectfully submitted,' line.

Certificate of Service

I hereby certify that on [Date], a copy of the foregoing Motion to [Specify Relief Sought] was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

[Attorney's Name]